

BOARD OF SELECTMEN MEETING
MARCH 15, 2016

PRESENT: Becky Doyle, David Lage, Tim Johnson, Joanne Meshna

The meeting was called to order at 6:00 p.m. at the Town Office.

Chairman: David nominated Becky as Chairman. Tim seconded the nomination and it passed unanimously.

Appointments to Boards and Departments: It was agreed that Tim would be the liaison to the Fire Department, Police Department, Emergency Management, Road Committee and Old Town Hall Committee. David will be the liaison to the Department of Public Works, Planning Board, Budget Committee and Police Facility Committee. Becky will be liaison to the Pool, Parks and Recreation, Town Office and Conservation Commission.

Renewal of cable television franchise: Mr. Bryan Christianson, Senior Manager of Government and Regulatory Affairs for Comcast, was present to discuss the renewal of the franchise agreement which expires in July. Selectman Doyle noted that most of the agreements standard and regulated by law. Mr. Christianson responded it is regulated by the Cable Act and most of the language is standard.

Selectman Lage noted there was to be a log kept of written complaints and asked if the Town had received it. Mr. Christianson responded the law states the company will keep a log and provide it when asked for by the Town. Selectman Lage asked for the log. Referring to sections 2.5 and 2.6, Selectman Lage noted there is an ordinance being prepared by the Selectmen for road openings. On page 10 of the agreement it states "the franchising authority, or its designee, shall exercise reasonable efforts to have the Planning Board and developers give timely written notice to franchisee of trenching and underground construction" and Selectman Lage questioned why the Planning Board would notify Comcast if a developer was excavating. He suggested leaving that sentence out. Mr. Christianson responded there are times when beautiful homes are built with underground utilities and no conduit, and this is a reminder to contact Comcast. Joanne noted that part of the requirements for a subdivision with the Planning Board is notification to public utilities.

Density requirements were discussed. Selectman Lage asked how to change it or make it more convenient. He asked for the definition of an aerial mile. Mr. Christiansen responded it is measured from where the cable infrastructure ends and is a road mile. Selectman Lage noted there is one situation where it appears there is more than 20 dwellings but cable cannot be provided, and Mr. Christiansen stated he would have to look at it on a case by case basis. If there are 20 homes within a mile and their driveways are a half mile long, they would not be counted because that is not considered a standard draw. Mr. Christiansen added there are all different ways to address a lower density. Selectman Lage noted many people need internet service and Mr. Christiansen reminded the Board this is a cable television agreement and not internet.

Selectman Lage asked what the average cost of construction per mile is and Mr. Christiansen responded \$25,000-35,000 per mile. Reference was made to Exhibit A, Buildings on the Cable System, and corrections were made. Also referred to was page 37 and a bond which Mr. Christiansen stated should have been given to the Town. On page 38, town house should be changed to town office. With regard to insurance, that should be at the Town Office. Reference is made in the agreement to maps and Mr. Christiansen stated he could provide a map of the homes serviced by Comcast in pdf format.

Selectman Doyle stated in 2015 the Town received \$22,750 in franchise fees and paid Comcast \$16,000 for services. Another \$2,500 goes to the Video Committee for streaming charges. The net to the Town was \$6,700. She asked if there was anything that could be done. A lot of money is being spent for the services. Mr. Christiansen responded the services being paid for are business class internet services and they are the provider. Selectman Lage noted that once the other public buildings have the free drop the \$16,000 should be going down. Mr. Christiansen stated the Town does not pay for TV service as they are complimentary and the Town is probably paying for internet and telephone connections. The franchise fee is 2% and Selectman Doyle suggested 2.5%, 3%, etc. Mr. Christiansen responded the Town can ask for up to 5% but it is passed through to the consumer.

Selectman Doyle referred to the video equipment and asked Ron Stanley what he is looking for. Ron asked if there was any updated equipment they could provide the Town. Mr. Christiansen was not sure but will have someone from Comcast come out and look at the equipment with Ron or will do a conference call.

Mr. Christiansen stated he will send a draft agreement and would come back if needed. Selectman Doyle noted they will have the draft available for the public to review and provide comments. Selectman Lage asked if he will be looking at the density and Mr. Christiansen stated he would but will not be able to lower the number to 15 or 10. Targeted build outs would have to be done. The default number will not go below 20.

Pipeline Task Force: Karen Miller reported both House Bill 1148 and 1660 passed the House. Bill 1101 is in interim study. There will be a Pipeline Task Force meeting tomorrow evening.

Selectman Doyle noted the Board had received notification that the Conservation Commission has hired Rick van de Poll to do a NRI along the pipeline route. Mr. van de Poll did a NRI for Rindge and came up with four times what Kinder Morgan had. This is coming out of Conservation Commission funds.

An email was also received from Representative Coffey reporting House Bill 1660 had passed the House by a roll call vote of 235-47.

Bordertown baseball agreement: Doug Nichols was present to discuss the agreement. Selectman Doyle asked when construction will be complete and the date is April 9. The Town needs to have a certificate of insurance and the Town is to be listed as an additional insurer. Selectman Lage asked how the area will be secured when excavating is being done. Mr. Nichols stated they would tape it off with stakes. Selectman Lage suggested temporary fencing such as snow fencing. Mr. Nichols stated they plan to use Texture 111 for the siding and paint it. Selectman Lage suggested board and batten or ship lap that

would last longer. Bordertown Baseball will be maintaining and funding the construction. The Board agreed they did not want T111. Mr. Nichols stated they are talking to Grace Electric for the electricity and are waiting for a price. It was agreed to remove section 7. of the agreement and the need for a bond. Selectman Doyle noted the Parks and Recreation and DPW needs keys for the building. The maintenance of the building is to be for the duration of use by Bordertown Baseball.

Smithville Cemetery: A letter was received by the Board from Senior Assistant Attorney General Peter Roth. The letter states the Town has encroached on State land with several gravesites and they want the Town to cease and desist from any further acts of trespass on State land or interference with the State's easement. Selectman Lage is working with the Cemetery Trustees to come up with a plan. He stated he did not believe the State has a 25 foot easement as they claim, the Town should come up with another solution other than the relocation of buried people, and he would like to see a plan of the Morrill annex. The Town has been given 60 days to provide a plan.

Audit agreement: The audit agreement with Vachon Clukay was reviewed. The agreement has been changed to reflect that Vachon will prepare the financial statements and the MS-535. The cost has been increased to \$14,881. Selectman Lage made a motion to execute the agreement. Selectman Johnson seconded the motion and it passed unanimously.

Warwick Mills lease: The Warwick Mills lease for Building #2 expires May 1. The Board reviewed the current lease. Joanne will ask Warwick for a certificate of their insurance listing the Town as an additional insurer. Selectman Lage made a motion to execute the lease with Warwick Mills upon receipt of the insurance form. Selectman Johnson seconded the motion and it passed unanimously.

NHDOT paving schedule: The Board received a letter from Assistant District Engineer Kevin Belanger regarding proposed resurfacing program construction for 2016: from the intersection of Old Country Road westerly to just east of the intersection of NH 123 (Highbridge project), 1.0 miles, ¾" paver shim; from pavement joint at the intersection of NH 123/NH 124 in New Ipswich easterly to the intersection of 101 in Peterborough, 6.1 miles, ¾" paver shim; from a pavement joint north of BR NO 157/093 northerly to the intersection of Temple Road, 1.4 miles, maintenance paving.

Loureiro report: A report was received from Loureiro on the municipal landfill closure. Selectman Doyle noted everything seems to be consistent with previous years. However, there has been damage to monitoring well #8 located on the west side of the landfill due to off cap sand and gravel operations. The well has to be replaced and Director Goewey has someone coming Friday to look at it to determine the cost for repair. Selectman Lage stated if the well has been consistently clean it can be eliminated by making a request to the DES. Selectman Lage will pursue with Director Goewey.

Zikavirus: An email was received from NH Division of Public Health Services reporting NH has confirmed the first New Hampshire resident with Zika Virus.

Fitzwilliam Planning Board and Zoning Board public notices: The Town received notice from the Town of Fitzwilliam of a public hearing with the Zoning Board for Blue Sky Towers on March 24 for a variance to

install a multi-user wireless communications facility, and a public hearing with the Planning on April 19 for a conditional use permit for Blue Sky Tower Partners.

Xfinity: A letter from Xfinity informed the Board effective April 12 Al Jazeera America has announced it will cease operations and its programming on channel 107.

MS-9 Report: The Board received from Mackensen and Company, Inc. a copy of the 2015 MS-9 report filed with the Attorney General's Charitable Trust Unit and the NH Department of Revenue.

Committee to appoint Fire Chief and Heritage Commission: Selectman Doyle announced the Board is looking for two residents that would like to be on the Fire Chief hiring committee and five people to be on the Heritage Commission. Jim Coffey stated he would be interested in being on the Heritage Commission and Joanne noted Mark Hopkins had also expressed an interest. Jim also stated he would be interested in serving on the Fire Chief hiring committee.

Jim Coffey: Representative Coffey reported there is a statute listing things to consider when writing subdivision regulations and he added to it a new line that that suggests towns consider if there is identifiable hazardous waste on the property. It passed the Municipal and County Government Committee. The bill was tabled in the House and he will try to take it off the table.

The federal government is buying up land in the western part of the State for a wildlife sanctuary to the detriment of people who live there. On March 23 there will be rally in front of the State house.

Police Facility Committee: The Police Facility Committee met last week and will wait until they receive the schematic design from Warrenstreet before they meet again.

11 Temple Road: Selectman Doyle spoke with Steve Landry regarding the house at 11 Temple Road and the EPA are not aware of State or Federal resources available for the project. He suggested Emergency Management Program grants that deal with floodplain management and hazard mitigation and prevention but probably not. Brownfield grants are not applicable as they deal with soil contamination. She has not contacted the auctioneer yet but will.

Usage of town fields: Selectman Doyle asked if the Selectmen need to sign off on the forms or have Joanne sign off on them. The Board was fine with having Joanne sign the form and asked for a copy of the form once it has been signed by all.

Lower River Road: The road was been a one way road as it was narrow (16 feet wide) and dangerous. One resident has come back to the Board asking for the decision to be reversed as it is difficult to make the corner turning right onto Lower River Road coming up from Turnpike Road. The other option is to make it one way up which would eliminate the turn at the top. Coming up Lower River can also be dangerous at the top as there is no good sight to the left. Selectman Doyle stated she would like to hear from others regarding the use of the road.

Minutes: Selectman Lage made a motion to approve the minutes of the March 1, 2016 meeting. Selectman Doyle seconded the motion and it passed unanimously.

15 Temple Road: Selectman Johnson noted there was a moving truck at 15 Temple Road and it looked like they were starting to clean up the yard.

Dollar General Store: The Dollar General application to locate at 786 Turnpike Road has been approved by the Zoning Board.

Police department lease: The lease has been returned to Selectman Doyle with some changes that she will review.

Pool: Mindy, Liz, Selectman Doyle and Joanne met to discuss putting the Pool under Parks and recreation and hiring a Pool Coordinator in the same fashion as the coordinators for soccer and basketball. It will be a part time position. Liz thought it was a good idea. Job descriptions are being worked on.

Meredith Lund: The oath of office was given to Mrs. Lund as the newly appointed Fire Chief.

Chief Lund: Chief Lund explained that engine 4 has been leaking in the pump for a while. It is leaking past the seals and into the housing. The estimate to repair and rebuild is \$13,000. It needs to be repaired within a sort amount of time. The parts are ordered. Engine 3 was not fixed last year as it is so old and repairs were estimated to be \$8,000-9,000. It will not last much longer and they have applied for a grant to replace it. It also does not meet safety regulations.

There is no money budgeted for the repairs to engine 4. The Board agreed to contact DRA for permission to use money from the general fund. Chief Lund was asked to provide a maximum and minimum estimate.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,
Joanne Meshna, Town Administrator

March 15, 2016 Board of Selectmen minutes approved by:

Rebecca M. Doyle, Chairman

David S. Lage

Timothy Johnson III

